

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

JEFFREY G. GIORDANO,

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

No. 2:20-cv-02082-JDP

SCHEDULING ORDER

This action was stayed pending the filing of the administrative record under General Order Number 615. *See* G.O. 615 ¶¶ 6, 10. On July 19, 2021, defendant filed a copy of the administrative record.

Accordingly, it is hereby ordered that:

1. The stay is lifted.
2. Within 45 days after service of the administrative record, plaintiff shall file the motion for summary judgment.
3. Within 45 days after service of plaintiff's opening brief, the defendant shall file the responsive brief as well as any cross motions.
4. Within 15 days after filing of defendant's brief, the plaintiff shall file the optional reply brief and respond to any cross motions.
5. In those cases where a Fed. R. Civ. P. 12 motion to dismiss is warranted, the defendant shall file a motion to dismiss in lieu of filing the administrative record. The motion to dismiss shall be filed within 120 days of service of the complaint. The opposing brief shall be filed within 14 days of

1 service of the motion. The reply brief shall be filed within seven days after service of the opposition  
2 brief. The motion to dismiss need not be noticed for hearing.

3 6. Motions for attorney fees shall be filed within 30 days after entry of final judgment. If  
4 any motion for attorney fees is not stipulated by the parties, the nonmoving party must file an  
5 opposition or statement of non-opposition within 30 days.

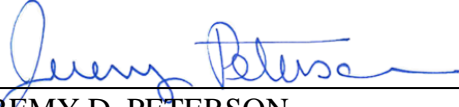
6 7. All references to the record and all assertion of fact must be accompanied by citations  
7 to the record. The parties' briefs *should not include recitations of the facts*. Instead, the parties should  
8 address arguments. Arguments in support of or in opposition to each claim of error must be supported  
9 by identified legal authority and explanations of how such authority applies to the facts of the case.  
10 Briefs that do not substantially comply with these requirements will be stricken.

11 8. Requests for modification of this briefing schedule will not be routinely granted. Any  
12 such request must be made by stipulated motion and will be granted only for good cause. A motion  
13 for a modification brought on the filing deadline will be looked upon with disfavor. *See* Local Rule  
14 144(d).

15 9. Violations of this order or of the federal rules of procedure or the Local Rules may  
16 result in sanctions pursuant to Local Rule 110.

17  
18 IT IS SO ORDERED.

19  
20 Dated: July 21, 2021

  
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JEREMY D. PETERSON  
UNITED STATES MAGISTRATE JUDGE